



NATIONAL ASSOCIATION OF CANNABIS BUSINESSES

Public Health Sub-Committee

10.04.21



Public Health

SUB-COMMITTEE MEMBERS

NACB

- Deneka Scott
- Mark Gorman

Advisory Committee

- Tim Wessel
- Dr. Mark Levine
- Ingrid Jonas

CCB

- Julie Hulburd

- Advertising & Marketing
 - *(Point of Sale flyer for retailers)*
- Packaging & Labeling, including standard cannabis symbol
 - *Dates/shelf-life*
 - *Data we could present*
- Edibles & DOH oversight

MILESTONE

• OCTOBER 20, 2021

Assist the Board in the development of:

- Regulations regarding advertising and marketing that limit youth exposure.
- Packaging & Labeling
- Consideration of dispensary as food manufacturing establishment

VT requirements for food products

General requirements for all food products in Vermont:

1. Identity of Product

Common Name of Food

2. Quantity

Weigh, Volume or number of Products

3. Responsibility

Name, Address and Zip Code of manufacturer or distributor

Exemptions: Not required if the product is sold on the same premises where it was packed.

4. List of ingredients

All products containing two or more ingredients must also be labeled with a list of ingredients.

Major allergens must be listed in “Contains” areas

5. Nutritional Labeling (Nutrition Facts Label)

only required for larger food processors, selling >\$50,000 of food/year.

*[*All information retrieved from ENV FL Labeling for Food Producers and Processors](#)*

The New and Improved Nutrition Facts Label – Key Changes



The U.S. Food and Drug Administration has finalized a new Nutrition Facts label for packaged foods that will make it easier for you to make informed food choices that support a healthy diet. The updated label has a fresh new design and reflects current scientific information, including the link between diet and chronic diseases.

1. Servings

The number of “servings per container” and the “Serving Size” declaration have increased and are now in larger and/or bolder type. Serving sizes have been updated to reflect what people actually eat and drink today. For example, the serving size for ice cream was previously 1/2 cup and now is 2/3 cup.

There are also new requirements for certain size packages, such as those that are between one and two servings or are larger than a single serving but could be consumed in one or multiple sittings.

2. Calories

“Calories” is now larger and bolder.

3. Fats

“Calories from Fat” has been removed because research shows the type of fat consumed is more important than the amount.

4. Added Sugars

“Added Sugars” in grams and as a percent Daily Value (%DV) is now required on the label. Added sugars includes sugars that are either added during the processing of foods, or are packaged as such (e.g., a bag of table sugar), and also includes sugars from syrups and honey, and

Current Label

Nutrition Facts

Serving Size 2/3 cup (55g)
Servings Per Container About 8

Amount Per Serving

Calories 230 Calories from Fat 72

% Daily Value*

Total Fat 8g **12%**

Saturated Fat 1g **5%**

Trans Fat 0g

Cholesterol 0mg **0%**

Sodium 160mg **7%**

Total Carbohydrate 37g **12%**

Dietary Fiber 4g **16%**

Sugars 12g

Protein 3g

Vitamin A 10%

Vitamin C 8%

Calcium 20%

Iron 45%

* Percent Daily Values are based on a 2,000 calorie diet.

Your daily value may be higher or lower depending on your calorie needs.

Calories: 2,000 2,500

Total Fat Less than 65g 80g

Sat Fat Less than 20g 25g

Cholesterol Less than 300mg 300mg

Sodium Less than 2,400mg 2,400mg

Total Carbohydrate 300g 375g

Dietary Fiber 25g 30g

New Label

Nutrition Facts

1 8 servings per container
Serving size **2/3 cup (55g)**

2 **Amount per serving**
Calories **230**

% Daily Value*

3 **Total Fat** 8g **10%**

Saturated Fat 1g **5%**

Trans Fat 0g

Cholesterol 0mg **0%**

Sodium 160mg **7%**

Total Carbohydrate 37g **13%**

Dietary Fiber 4g **14%**

Total Sugars 12g

4 Includes 10g Added Sugars **20%**

Protein 3g

5 Vitamin D 2mcg 10%

Calcium 200mg 15%

Iron 8mg 45%

Potassium 235mg 6%

6 * The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.

sugars from concentrated fruit or vegetable juices. Scientific data shows that it is difficult to meet nutrient needs while staying within calorie limits if you consume more than 10 percent of your total daily calories from added sugar.

5. Nutrients

The lists of nutrients that are required or permitted on the label have been updated. Vitamin D and potassium are now required on the label because Americans do not always get the recommended amounts. Vitamins A and C are no longer required since deficiencies of these vitamins are rare today. The actual amount (in milligrams or micrograms) in addition to the %DV must be listed for vitamin D, calcium, iron, and potassium.

The daily values for nutrients have also been updated based on newer scientific evidence. The daily values are reference amounts of nutrients to consume or not to exceed and are used to calculate the %DV.

6. Footnote

The footnote at the bottom of the label has changed to better explain the meaning of %DV. The %DV helps you understand the nutrition information in the context of a total daily diet.

Transitioning to the New Label

Manufacturers still have time to begin using the new and improved Nutrition Facts label, so you will see both label versions for a while. However, the new label is already starting to appear on products nationwide.

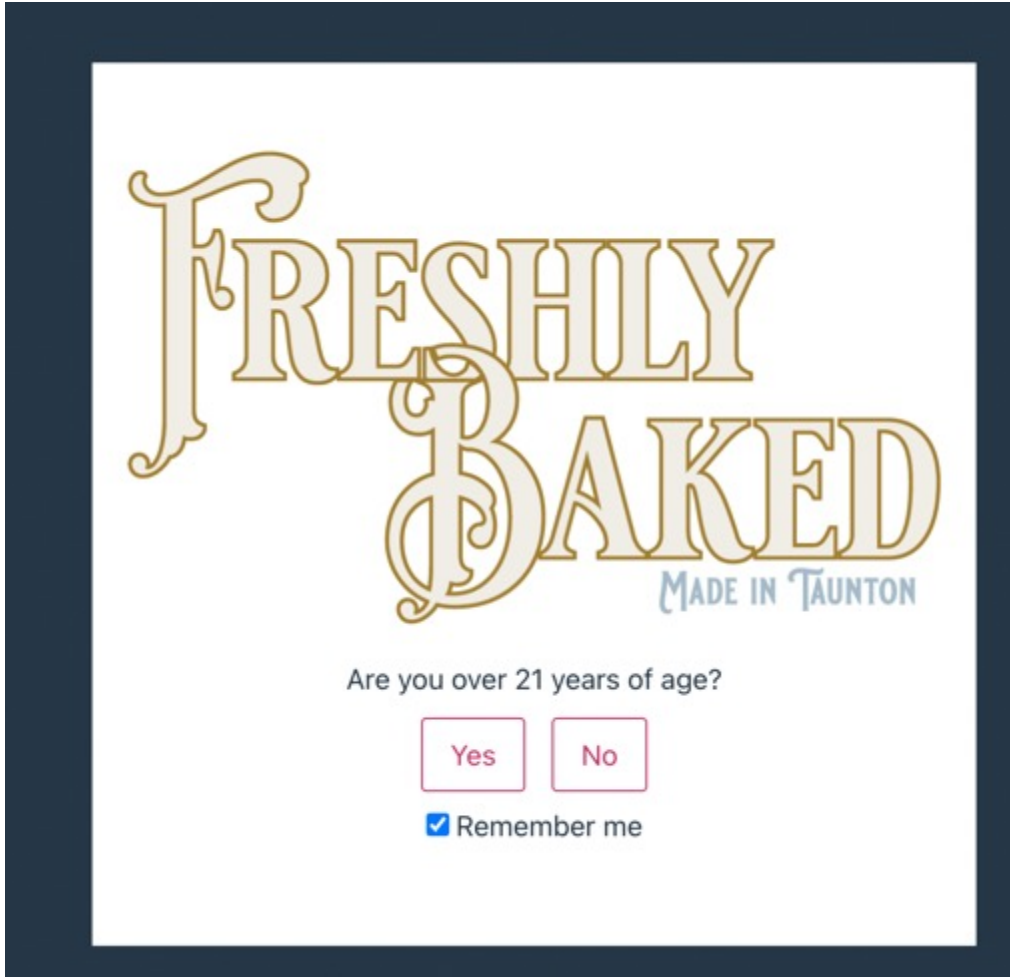
VT Departments

- Vermont Agency of Agriculture, Food and Markets (VAAFM)
 - Responsible for most *food labeling*
- Vermont Department of Health
 - Responsible for *retail food establishments (manufacturing)*
- *In conjunction with the CCB, seeking “expert advisors” to provide input to the PHSC.*

Limiting Youth Exposure PHSC – Considerations

- 85% of audience must be 21 or older – for all advertising/promotion
 - Age-gating requirements
 - Websites requiring age verification
 - social media requires links to websites to promote products)
 - Local town requirements?
 - ~~Limit (or) No curbside service if children are in the vehicle (CE) (PHSC – advertisement of this as a service?)~~
 - **Develop educational website for parents and guardians** to use in “talking to your kids about marijuana” (expands upon current: <https://www.healthvermont.gov/alcohol-drugs/lets-talk-cannabis/cannabis-and-youth>)
 - Dispensaries may not – for advertising or logo development – use:
 - Toys
 - Inflatables
 - Movie characters
 - Cartoon characters
 - **Television character/fonts/show-like appeal (added)**
 - Visuals of appealing foods in bright colors
 - Names that appeal to minors
 - include any other display, depiction, or image designed in any manner likely to be appealing to minors or anyone under 21 years of age
- To promote cannabis nor the dispensary

Age-Gating Examples



FRESHLY BAKED
MADE IN TAUNTON

Are you over 21 years of age?

☒ Remember me



JIM BEAM
SINCE 1795

OUR BOURBON BEHIND THE BOTTLE PEST VISIT US SWAG

WELCOME, FRIEND
(OF LEGAL DRINKING AGE).

COME AS A FRIEND
PLEASE ENTER YOUR BIRTHDATE.
LEAVE US YOUR FAMILY

**PHSC – prefers all age-gating to be birthdate driven
– month/day/year**

☐ REMEMBER

Quick Overview of Act 164

Requirements for Packaging/Labeling

Act 164

- (3) Rules concerning product manufacturers shall include:
- **(A) requirements that a single package of a cannabis product shall not contain more than 50 milligrams of THC, except in the case of: No. 164 Page 37 of 102 2020**
 - (i) cannabis products that are not consumable, including topical preparations; and
 - (ii) cannabis products sold to a dispensary pursuant to 18 V.S.A. chapter 86 and regulations issued pursuant to that chapter;
- **(B) requirements that cannabis products are labeled in a manner that states the number of servings of tetrahydrocannabinol in the product, measured in servings of a maximum of five milligrams per serving, except:**
 - (i) cannabis products that are not consumable, including topical preparations; and
 - (ii) cannabis products sold to a dispensary pursuant to 18 V.S.A. chapter 86 and regulations issued pursuant to that chapter;
- **(C) requirements that cannabis products are labeled with the date the product was manufactured, the date the product is best used by, the ingredients contained in the product, information on the length of time it typically takes for products to take effect, and appropriate warnings developed by the Board in consultation with the Department of Health;**
- **(D) requirements that a cannabis product is clearly identifiable with a standard symbol adopted by the Board indicating that it contains cannabis;**
- (E) procedures and standards for testing cannabis products for contaminants, potency, and quality assurance and control; and
- (F) requirements for opaque, child-resistant packaging.

Act 164

- (5) Rules concerning retailers shall include:
 - (A) requirements for proper verification of age of customers;
 - (B) restrictions that cannabis shall be stored behind a counter or other barrier to ensure a customer does not have direct access to the cannabis;
 - (C) requirements that if the retailer sells hemp or hemp products, the hemp and hemp products are clearly labeled as such and displayed separately from cannabis and cannabis products;
 - (D) requirements for opaque, child-resistant packaging of cannabis and cannabis products at point of sale to customer; and
 - (E) facility inspection requirements and procedures.

- Act 164
- § 974. RULEMAKING
- Section (U) labeling requirements for cannabis sold to retailers and integrated licensees, including health warnings developed in consultation with the Department of Health;
- (W) requirements that cannabis products are labeled in a manner that states the number of servings of tetrahydrocannabinol in the product, measured in servings of a maximum of five milligrams per serving, except cannabis products that are not consumable, including topical preparations;
- (X) requirements that cannabis products are labeled with the date the product was manufactured, the date the product is best used by, the ingredients contained in the product, information on the length of time it typically takes for products to take effect, and appropriate warnings developed by the Board in consultation with the Department of Health;
- (Y) requirements that a cannabis product is clearly identifiable with a standard symbol adopted by the Board indicating that it contains cannabis;
- (AA) requirements for opaque, child-resistant packaging;
- (DD) requirements that if the dispensary sells hemp or hemp products, the hemp and hemp products are clearly labeled as such and displayed separately from cannabis and cannabis products;
- (EE) requirements for opaque, child-resistant packaging of cannabis and cannabis products at point of sale to customer;

Overview of Act 164 and 62 Requirements for Advertising

Act 164 – RE: Advertising

- **Act 164**
- **Sec. 5. (f) page 18 regarding ADVERTISING**
- The Executive Director of the Cannabis Control Board, in consultation with the Office of the Attorney General and the Department of Health, shall ***develop a proposal for advertising for both the adult-use and medical cannabis programs established in this act.***
- The proposal shall reflect the General Assembly's priorities:
 - **not promoting cannabis use**
 - **limiting exposure of cannabis advertising to persons under 21 years of age**
 - **ensuring consumer protection and public safety**
- The proposal shall take the following into consideration:
 - **constitutional protections for commercial speech that may exist regarding the cannabis market**

Act 62: Definitions

- **Act 62**
- § 861. **DEFINITIONS** As used in this chapter:
- (1) “Advertise” means the publication or dissemination of an advertisement.
- (2) “Advertisement” means any written or verbal statement, illustration, or depiction that is calculated to induce sales of cannabis or cannabis products, including any written, printed, graphic, or other material, billboard, sign, or other outdoor display, other periodical literature, publication, or in a radio or television broadcast, the Internet, or in any other media.
- The term *does not include*:
- (A) any label affixed to any cannabis or cannabis product, or any individual covering, carton, or other wrapper of that container that constitutes a part of the labeling under provisions of these standards
- (B) any editorial or other reading material, such as a news release, in any periodical or publication or newspaper for the publication of which no money or valuable consideration is paid or promised, directly or indirectly, by any cannabis establishment, and that is not written by or at the direction of the licensee
- (C) any educational, instructional, or otherwise noncommercial material that is not intended to induce sales and that does not propose an economic transaction, but that merely provides information to the public in an unbiased manner; or
- (D) a sign attached to the premises of a cannabis establishment that merely identifies the location of the cannabis establishment

Act 62: Advertising Rules

More specifically, Act 62 stipulates the following rules:

- § 864. ADVERTISING
 - (b) A cannabis establishment advertisement shall not contain any statement or illustration that:
 - (1) is deceptive, false, or misleading
 - (2) promotes overconsumption
 - (3) represents that the use of cannabis has curative effects
 - (4) offers a prize, award, or inducement for purchasing cannabis or a cannabis product, except that price discounts are allowed
 - (5) offers free samples of cannabis or cannabis products
 - (6) depicts a person under 21 years of age consuming cannabis or cannabis products; or
 - (7) is designed to be or has the effect of being particularly appealing to persons under 21 years of age

Act 62: Advertising Rules

- (c) Cannabis establishments shall not advertise their products via any medium unless the licensee can show that not more than 15 percent of the audience is reasonably expected to be under 21 years of age. **(85% over 21)**
- (d) All advertisements shall contain **health warnings** adopted by rule by the Board in consultation with the Department of Health.
- (e) All advertisements **shall be submitted to the Board** on a form or in a format prescribed by the Board, prior to the dissemination of the advertisement. The Board may:
 - (1) **require a specific disclosure be made in the advertisement in a clear and conspicuous manner if the Board determines that the advertisement would be false or misleading without such a disclosure; or**
 - (2) **require changes that are necessary to protect the public health, safety, and welfare or consistent with dispensing information for the product under review**

Specific Recommendations to Ensure Compliance with Advertising Rules

*For sub-committee discussion purposes to support requirements – **starting points/considerations/recommendations** to the Vermont CCB the following actions to ensure compliance by cannabis licensees:*

- **Create Vermont Cannabis Advertising & Marketing Guidelines/Requirements** with (self-audit) checklist for licensees to ensure understanding of requirements in development of advertising/marketing materials (prior to submission for approvals). (See below for specific content considerations – #2-5)
 - Create a form and format to be used by licensees in submitting advertisements for review by the CCB
 - Establish a fee for advertisement review by the Board
- **Draft a health warning label for cannabis packages**; consider additional for types of cannabis packages (i.e., edibles)
- **Specify means of assuring** that advertising audience contains no more than 15% under 21 y/o (**85% audience must be over 21**)
- **Require “age-gating” for social media sites and related advertising pages** to limit underage access to commercial cannabis messaging

Specific Recommendations to Ensure Compliance with Advertising Rules

Continued: For sub-committee discussion purposes to support requirements – starting points/considerations/recommendations to the Vermont CCB the following actions to ensure compliance by cannabis licensees:

- **Draft language for medicinal cannabis advertising** which alerts licensees of requirements and/or prohibited language regarding medicinal use and health claims
- **Develop possible sanctions for non-compliance with advertising rules and what the process is to rectify violations**; consider alternative actions for “repeat offenders”
- **Develop educational website for parents and guardians** to use in “talking to your kids about marijuana” (expands upon current: <https://www.healthvermont.gov/alcohol-drugs/lets-talk-cannabis/cannabis-and-youth>)
- **Draft initiatives that would clearly distinguish** between commercial messages for adult-use and medical cannabis